

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MORTON and EVELYN JEAN LIPETZ, On  
Behalf Of Themselves And All Others  
Similarly Situated,

Plaintiffs,

vs.

WACHOVIA CORPORATION, G.  
KENNEDY THOMPSON, and THOMAS J.  
WURTZ

Defendants.

Civil Action No. 1:08-cv-06171-RJS

ECF Filed

**NOTICE OF MOTION OF THE WACHOVIA INSTITUTIONAL INVESTOR GROUP  
FOR (1) APPOINTMENT AS LEAD PLAINTIFF AND (2) APPROVAL OF ITS  
SELECTION OF COUNSEL AS LEAD COUNSEL FOR THE CLASS**

PLEASE TAKE NOTICE that on a date and at a time designated by the Court, before the Honorable Richard J. Sullivan, at the United States District Court for the Southern District of New York, located at the United States Courthouse, 500 Pearl Street, Courtroom 21C, New York, New York, class members Maine Public Employees Retirement System, Fjärde AP-Fonden, and the Public Employees' Retirement System of Mississippi (collectively, the "Wachovia Institutional Investor Group"), by their counsel, will respectfully move this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), for entry of an Order: (i) appointing the Wachovia Institutional Investor Group as Lead Plaintiff; (ii) approving the Wachovia Institutional Investor Group's selection of the law firms of Bernstein Litowitz Berger & Grossmann LLP and Schiffrin Barroway Topaz & Kessler, LLP to serve as Lead Counsel; and (iii) granting such other and further relief as the Court may deem just and proper.

This motion is based upon this Notice of Motion, the accompanying Memorandum of Law in support thereof, the Declaration of Gerald H. Silk filed herewith, the pleadings and other files herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, the Wachovia Institutional Investor Group respectfully requests that the Court: (1) appoint the Wachovia Institutional Investor Group as Lead Plaintiff pursuant to the

PSLRA; (2) approve the Wachovia Institutional Investor Group's selection of Lead Counsel for the Class; and (3) grant such other and further relief as the Court may deem just and proper.

Dated: August 8, 2008

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP**

/s/ Gerald H. Silk

John P. Coffey (JC-3832)

Gerald H. Silk (GS-4565)

Noam Mandel (NM-0203)

1285 Avenue of the Americas, 38th Floor

New York, NY 10019

(212) 554-1400

(212) 554-1444 (fax)

*Counsel for Public Employees' Retirement System  
of Mississippi and Proposed Lead Counsel for the  
Class*

**SCHIFFRIN BARROWAY TOPAZ &  
KESSLER, LLP**

Sean M. Handler

Darren J. Check

Naumon A. Amjed

280 King of Prussia Road

Radnor, PA 19087

(610) 667-7706

(610) 667-7056 (fax)

*Counsel for Fjärde AP-Fonden and Maine Public  
Employees Retirement System and Proposed Lead  
Counsel for the Class*